



James H. Neale
Partner

666 Fifth Avenue, 31st Floor • New York, New York 10103-3198
jneale@fulbright.com • Direct: 212 318 3139 • Main: 212 318 3000 • Facsimile: 212 318 3400

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**By Fax to (631) 712-5677 and (631) 712-5725
and by ECF**

Honorable Joseph F. Bianco
Honorable William D. Wall
United States District Court,
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: **Doukas v. Ballard, Case No. 2:11-CV-3275 (JFB) (WDW)**

Dear Judge Bianco and Magistrate Judge Wall:

We are attorneys for defendants Charles Schwab & Co., Inc. and Charles Schwab Bank (together, “Schwab”) in the above-captioned action. Schwab is one of a number of financial institutions that the Complaint terms the “Defendant Banks.” Solely for purposes of this letter, I also speak for other Defendant Banks, to the extent they have appeared in the action.

Schwab and the other Defendant Banks seek to participate in the telephonic conference that the Court, in its Scheduling Order entered August 2, 2011, directed the parties to attend *today*, August 8, 2011 at 3:00 p.m. Although the Order directed plaintiffs’ counsel to initiate the call and contact Chambers only after “*all parties* are on the line,” plaintiff’s counsel advised late Friday afternoon that he would not include Defendant Banks on the call. Plaintiffs contend the matters to be discussed at the conference “do not concern [Defendant Banks].”

That is not the case. All proceedings in the action, including the status of removal, scheduling of dispositive motions and other matters that may be discussed at the conference, necessarily concern the Defendant Banks. As parties, Defendant Banks have the right to participate in all court proceedings, and plaintiffs should not be permitted to exclude us.

Accordingly, we ask that the Court direct plaintiffs’ counsel, once again, to include “*all parties*” in the telephonic conference this afternoon.

Thank you for your consideration of this matter.

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Respectfully yours,



James H. Neale

cc: All Counsel (by ECF and electronic mail)